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SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHELLE ELLIOTT, an individual,

Plaintiff,

v.

SMITH'S FOOD & DRUG CENTERS, INC.
dba SMITH'S, a Foreign Corporation; DOES
I-X, inclusive; and ROE CORPORATIONS
I-X, inclusive,

Defendants.

Case No. 2:23-cv-01804-CDS-EJY

**STIPULATION AND ORDER TO
EXTEND DATE FOR FILING RESPONSE
TO PLAINTIFF'S MOTION TO
WITHDRAW ADMISSIONS**

[SECOND REQUEST]

WHEREAS Plaintiff MICHELLE ELLIOTT (hereinafter "Plaintiff"), by and through her counsel of record, the law firm of JENNINGS & FULTON, LTD., filed her Motion to Withdraw Admissions on May 2, 2024 (*see* ECF No. 15);

WHEREAS the Parties filed, and this Court signed and Ordered, a stipulation to extend the deadline for Defendant SMITH'S FOOD & DRUG CENTERS, INC. (hereinafter "SMITH'S") to respond to Plaintiff's Motion to May 30, 2024 (*see* ECF No. 19);

WHEREAS SMITH'S, by and through its counsel of record, the law firm of COOPER LEVENSON, P.A., is required to file its Response to Plaintiff's Motion to Withdraw Admissions no later than May 30, 2024;

WHEREAS Plaintiff and SMITH'S (collectively, the "Parties"), by and through their respective counsel of record, have begun and continue to engage in settlement discussions to avoid further litigation;

1 **WHEREAS** the Parties are awaiting a final response from Plaintiff regarding these settlement
2 discussions;

3 **WHEREAS** the Parties seek to avoid additional motion practice if settlement can be reached;
4 and

5 **WHEREAS** this is the Second such Stipulation entered into the Parties and presented to this
6 Court:

7 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff and SMITH'S, by
8 and through their respective counsel of record, that the date for SMITH'S to file its Response to
9 Plaintiff's Motion to Withdraw Admissions be extended by fourteen (14) days, to June 13, 2024.

10 **IT IS SO STIPULATED.**

11 DATED this 30th day of May, 2024.

DATED this 30th day of May, 2024.

12 **JENNINGS & FULTON, LTD.**

COOPER LEVENSON, P.A.

13 /s/ Logan G. Willson

/s/ Pooja Kumar

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23 **IT IS SO ORDERED.**

24 
25 UNITED STATES MAGISTRATE JUDGE

26 DATED: May 30, 2024